

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Amanda Joy Whaley**

**Docket No. 5:09-CR-184-1D**

**Petition for Action on Supervised Release**

COMES NOW Linwood E. King, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Amanda Joy Whaley, who, upon an earlier plea of guilty to Conspiracy to Distribute, and Possession with the Intent to Distribute, at Least 50 Grams of Cocaine Base (Crack), was sentenced by the Honorable Thomas G. Hull, U.S. District Judge, on May 19, 2003, to the custody of the Bureau of Prisons for a term of 96 months. As a result of amendments to the sentencing guidelines related to cocaine base offenses, on May 20, 2008, the defendant's custodial sentence was reduced to a total term of 77 months imprisonment. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Amanda Joy Whaley was released from custody on April 30, 2008, at which time the term of supervised release commenced.

On May 20, 2009, the court in the Eastern District of Tennessee was notified, via a Violation Report, of a positive test for marijuana, and the court allowed the defendant to attend substance abuse treatment with no further action.

On June 1, 2009, jurisdiction in this case was transferred from the Eastern District of Tennessee to the Eastern District of North Carolina.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

The defendant provided a urine screen on March 25, 2011, which tested positive for the use of marijuana. Whaley admitted to this officer that she had smoked marijuana as recently as March 20, 2011, and signed a written admission of use. The defendant recognizes her need for assistance with drug abuse issues and has been referred to actively participate in substance abuse treatment through First Step Services in Raleigh, North Carolina. Whaley will also be required to again participate in our Surprise Urinalysis Program for monitoring of future drug abstinence. We are hopeful that this will assist Whaley in her recovery process. In conjunction with this treatment, we

are requiring Whaley to participate in our district's HOPE program for defendants with extensive drug addiction issues. To further address this behavior, we are recommending that the DROPS sanction and our cognitive behavioral program be added to the defendant's conditions of release.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.


/s/Michael C. Brittain  
Michael C. Brittain  
Senior U.S. Probation Officer

/s/Linwood E. King  
Linwood E. King  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8682  
Executed On: March 30, 2011

Amanda Joy Whaley  
Docket No. 5:09-CR-184-1D  
Petition For Action  
Page 3

**ORDER OF COURT**

Considered and ordered this 31 day of March, 2011, and ordered filed and made a part of the records in the above case.

  
\_\_\_\_\_  
James C. Dever, III  
U.S. District Judge